

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

Valuation of Security Assumption of Executory Contract or Unexpired Lease Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 19-32508
Donald P. Piercey aka Donald Piercey Judge: Michael B. Kaplan
Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: February 7, 2020
☐ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: WW Initial Debtor: DPP Initial Co-Debtor:

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 399.00 per month to the Chapter 13 Trustee, starting on 1/1/2020 for approximately 36 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☒ Other sources of funding (describe source, amount and date when funds are available):

Plus amount paid in of \$1206.00

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan:

Debtor pays \$622.43 real property taxes not included in mortgage payment and \$300.00 condo owners' association dues each month. Both are believed current.

Debtor does not know if he will have federal or state income tax liability for 2019 tax year.

Part 2: Adequate Protection ☐ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ 1,624.12/\$712.76* to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: Mr. Cooper/Wells Fargo Home Mort. (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 2750
DOMESTIC SUPPORT OBLIGATION	n/a	
Internal Revenue Service	507(a) Estimated Federal Tax for 2019	unknown income taxes
NJ Division of Taxation	507(a) Estimated State Tax for 2019	unknown income taxes

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
n/a	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☐ **NONE**

The following secured claims are unaffected by the Plan:

Toyota Motor Credit auto loan is to be kept current outside of plan.

Mortgages to Mr. Cooper and Wells Fargo Home Mortgage are current and will be kept current outside of plan.

g. Secured Claims to be Paid in Full Through the Plan: ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☐ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
1. Nissan Motor Acceptance	None. Believed current	1. Auto lease. Debtor's wife pays lease payments and uses car. 2017 Rogue	Assume	\$409.89
2. Nissan Motor Acceptance	None. Believed current	2. Auto lease. Debtor is co-lessee but adult daughter uses car and makes payment .2017 Altima	Assume	\$275.95
3. Toyota Motor Credit	None. Current.	3. Auto loan	Assume	\$502.14

Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Debtor's counsel fees
- 3) Income taxes, if any
- 4) Secured Claims (if any past due) 5) Unsecured nonpriority claims

d. Post-Petition Claims

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 12/02/2019.

Explain below **why** the plan is being modified:

No income tax debt believed to be due.
Under median income.
Address lack of feasibility.
Retirement account is exempt under 11 U.S.C. 1325, plan modified accordingly.

Explain below **how** the plan is being modified:

Reduced payment to Trustee to \$399.01 for 36 months plus amount already paid in.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: February 7, 2020

/s/Donald P. Piercey
Debtor

Date: _____

Joint Debtor

Date: February 7, 2020

/s/William S. Wolfson
Attorney for Debtor(s)

Certificate of Notice Page 11 of 12

United States Bankruptcy Court
District of New JerseyIn re:
Donald Piercey
DebtorCase No. 19-32508-MBK
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 42

Date Rcvd: Feb 11, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 13, 2020.

db
518598196 +Donald Piercey, 51 Bateman Way, Hillsborough, NJ 08844-8107
+AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088
(address filed with court: American Honda Finance, 201 Little Falls Dr,
Wilmington, DE 19808)

518671776 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
518598200 +Elements Financial Fcu, Po Box 7123, Indianapolis, IN 46207-7123
518598205 +LendingClub, 595 Market Street, San Francisco, CA 94105-2807
518598204 +LendingClub, Attn: Bankruptcy, 595 Market St, Ste 200, San Francisco, CA 94105-2807
518598206 +Melissa Piercey, 51 Bateman Way, Hillsborough, NJ 08844-8107
518598208 +Mr. Cooper, 8950 Cypress Waters Blvd, Coppell, TX 75019-4620
518598207 +Mr. Cooper, Attn: Bankruptcy, 8950 Cypress Waters Blvd, Coppell, TX 75019-4620
518674327 +NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER, ATTN: Bankruptcy Dept, PO Box 619096,
Dallas TX 75261-9096

518598218 +NJ Motor Vehicle Commission, Surcharge Administration Office, PO Box 136,
Trenton, NJ 08601-0136

518641967 +Nationstar Mortgage LLC d/b/a Mr. Cooper, RAS Citron LLC, 130 Clinton Road, Suite 202,
Fairfield NJ 07004-2927

518598209 New Jersey Department of Labor Workforce, LWD Benefit Control, PO Box 650,
Trenton, NJ 08646-0650

518598210 Nissan Motor Acceptance Corp., Managing Agent, PO Box 660360, Dallas, TX 75266-0360
518598213 +Nissan Motor Acceptance Corp/Infiniti, Pob 660366, Dallas, TX 75266-0366
518598211 +Nissan Motor Acceptance Corp/Infiniti, Attn: Bankruptcy, Po Box 660360,
Dallas, TX 75266-0360

518598217 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: NJ Division of Taxation, 50 Barracks Street, PO Box 269,
Trenton, NJ 08695)

518598220 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
(address filed with court: Toyota Financial Services, P.O. Box 8026,
Cedar Rapids, IA 52409-8026)

518642993 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
518598222 ++UPGRADE INC, 2 N CENTRAL AVE, 10TH FLOOR, PHOENIX AZ 85004-2322
(address filed with court: Upgrade, Inc., 275 Battery St Fl 23, San Francisco, CA 94111)
518598221 ++UPGRADE INC, 2 N CENTRAL AVE, 10TH FLOOR, PHOENIX AZ 85004-2322
(address filed with court: Upgrade, Inc., 275 Battery Street, 23rd Floor,
San Francisco, CA 94111)

518598223 +Upstart, Attn: Bankruptcy, Po Box 1503, San Carlos, CA 94070-7503
518598224 +Upstart, Po Box 61203, Palo Alto, CA 94306-6203
518658107 Wells Fargo Bank, N.A., Attn: Default Document Processing,
1000 Blue Gentian Road, MAC# N9286-01Y, Eagan, MN 55121-7700

518598225 +Wells Fargo Home Mor, 8480 Stagecoach Cir, Frederick, MD 21701-4747
518598226 Wells Fargo Home Mortgage, Attn: Written Correspondence/Bankruptcy, Mac#2302-04e Pob 10335,
Des Moines, IA 50306

518598227 +Xiomara Piercey, 51 Bateman Way, Hillsborough, NJ 08844-8107

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
smg E-mail/Text: usanj.njbankr@usdoj.gov Feb 11 2020 23:37:40 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Feb 11 2020 23:37:39 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235518598195 E-mail/Text: ebnbankruptcy@ahm.honda.com Feb 11 2020 23:37:49 American Honda Finance,
Attn: Bankruptcy, Po Box 168088, Irving, TX 75016518598197 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Feb 11 2020 23:40:09 Capital One,
PO Box 30285, Salt Lake City, UT 84130-0285518649984 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Feb 11 2020 23:40:29
Capital One Bank (USA), N.A., 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901518598198 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Feb 11 2020 23:37:28 Comenity Bank/Westgate,
Attn: Bankruptcy Dept., P.O. Box 182125, Columbus, OH 43218-2125518598199 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Feb 11 2020 23:37:29 Comenity Bank/Westgate,
Po Box 182789, Columbus, OH 43218-2789518598201 E-mail/Text: cio.bncmail@irs.gov Feb 11 2020 23:37:07 Internal Revenue Service,
PO Box 7346, Philadelphia, PA 19101-7346518598203 +E-mail/Text: bncnotices@becket-lee.com Feb 11 2020 23:36:54 Kohls/Capital One,
N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-5660518598202 +E-mail/Text: bncnotices@becket-lee.com Feb 11 2020 23:36:54 Kohls/Capital One,
Kohls Card Support/Bankruptcy, Po Box 3120, Milwaukee, WI 53201-3120518696247 E-mail/PDF: resurgentbknotifications@resurgent.com Feb 11 2020 23:39:05 LVNV Funding, LLC,
Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587518691015 E-mail/Text: bnc-quantum@quantum3group.com Feb 11 2020 23:37:34
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788518600880 +E-mail/PDF: gecsed@recoverycorp.com Feb 11 2020 23:39:43 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 42

Date Rcvd: Feb 11, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

518598219 E-mail/PDF: gecsed@recoverycorp.com Feb 11 2020 23:39:24 Synchrony Bank, P.O. Box 965003,
Orlando, FL 32896-5003
518598222 E-mail/Text: bknotice@upgrade.com Feb 11 2020 23:36:45 Upgrade, Inc.,
275 Battery St Fl 23, San Francisco, CA 94111
518598221 E-mail/Text: bknotice@upgrade.com Feb 11 2020 23:36:45 Upgrade, Inc., 275 Battery Street,
23rd Floor, San Francisco, CA 94111
518697117 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Feb 11 2020 23:39:08 Verizon,
by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
TOTAL: 17

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
cr* +Nationstar Mortgage LLC d/b/a Mr. Cooper, RAS Citron, LLC, 130 Clinton Road, Suite 202,
Fairfield, NJ 07004-2927
518598214* +Nissan Motor Acceptance Corp/Infiniti, Pob 660366, Dallas, TX 75266-0366
518598212* +Nissan Motor Acceptance Corp/Infiniti, Attn: Bankruptcy, Po Box 660360,
Dallas, TX 75266-0360
518598215* +Nissan Motor Acceptance Corp/Infiniti, Attn: Bankruptcy, Po Box 660360,
Dallas, TX 75266-0360
518598216* +Nissan Motor Acceptance Corp/Infiniti, Attn: Bankruptcy, Po Box 660360,
Dallas, TX 75266-0360
TOTALS: 0, * 5, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 13, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 10, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Aleisha Candace Jennings on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
ajennings@rasflaw.com
Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Harold N. Kaplan on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
hkaplan@rasnj.com, informationathnk@aol.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov
William S. Wolfson on behalf of Debtor Donald Piercey wwolfsonlaw@comcast.net,
liza.wwolfsonlaw@comcast.net

TOTAL: 6